

National Aeronautics and Space Administration



**NASA OFFICE OF HUMAN CAPITAL MANAGEMENT
GUIDELINES**

FOR USE DURING

**NATIONAL AND/OR REGIONAL EMERGENCY SITUATIONS
(INCLUDING PANDEMIC HEALTH CRISES)**

Version 2

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SECTION 1 – INTRODUCTION

1.1 Purpose

The purpose of this document is to provide guidance to National Aeronautics and Space Administration (NASA) personnel on the continuation of service in the event of national and/or regional emergencies including Pandemic Health Crises. This guide provides some roles and responsibilities with regards to the actions taken during these emergencies.

1.2 Background

The changing threat environment and recent emergencies, including localized acts of nature, accidents, technological emergencies, and military or terrorist attack-related incidents, have shifted awareness to the need for Continuity of Operations (COOP) and Pandemic Health Crisis Plans to continue the Agency's essential functions across a broad spectrum of emergencies. NASA needs to plan and prepare for national and/or regional emergency situations. As a result, the enclosed policies must be implemented to provide adequate protection for employees in the workplace. However, if future emergencies/situations occur and new resulting Government-wide policies are issued, the Government-wide policies will take precedence over NASA-wide policies.

1.3 Applicability

This guide is for use by NASA Center Human Resources Office (HRO) personnel.

1.4 About this Document

This document provides guidelines, as well as additional specific information on several pertinent topics contained in appendices. If the reader is directed to an appendix, the reader should reference appendices included with this document, unless another document is specified. The following appendices are included in this document:

- Appendix A, Acronyms and Abbreviations
- Appendix B, NASA Telework Program During National and/or Regional Emergency Situations (Including Pandemic Health Crises)
- Appendix C, Evacuation Payments During a Pandemic Health Crisis
- Appendix D, Pandemic Flu Questions and Answers

SECTION 2 – REFERENCES

The following references were used in the preparation of this guide:

- a. *NASA Desk Guide on Telework Programs*, December 2005,
http://nasapeople.nasa.gov/references/NDG19_TeleworkPrograms.pdf
- b. *NASA Desk Guide on Work Schedules (Tour Types)*, May 2003,
http://nasapeople.nasa.gov/references/NDG16_WorkSchedules.pdf
- c. NPR 8715.2, “*NASA Emergency Preparedness Plan Procedural Requirements.*”
- d. *National Strategy for Pandemic Influenza, Implementation Plan*, Homeland Security Council,
<http://www.hq.nasa.gov/office/codeq/doctree/87152.htm>
- e. *Human Capital Planning for Pandemic Influenza*, OPM
http://www.opm.gov/pandemic/OPM-Pandemic_AllIssuances.pdf

SECTION 3 – TOPICS

3.1 Communicating with Employees During an Emergency

The NASA Emergency Operations Center (EOC) is responsible for managing and communicating information during emergency situations. The Office of Human Capital Management (OHCM) under the authorization of the EOC will coordinate the development and release of employee notices about the emergency. This includes any public health notices authorized by the Office of the Chief Health and Medical Officer. The NASA Shared Services Center (NSSC) will prepare and release the notices to the NASA workforce. These notices and other pertinent information about the emergency will be posted on the EOC Web site at <http://www.nasa.gov/offices/eoc/home/>, as appropriate. If the scope and nature of the emergency requires, the EOC will activate a call center for use in accounting for employees and to provide information about the emergency. Should this occur, the NSSC will issue a notice informing employees that the call center has been activated and will publicize the dedicated toll-free telephone number. The NSSC will coordinate posting this notice to the EOC Web site.

3.2 Employee Emergency Contact Information

Employee emergency contact information will be used for a variety of purposes such as providing information to the employee's contact about the emergency and obtaining information on the status and location of the employee in the event of an evacuation. Therefore, it is essential that employees enter and keep current their emergency contact information. At least one emergency contact should be from outside of the geographical area of the employee's worksite. Employees enter their emergency contact information in the Employee Emergency Contact System (EECS) through the NASA Employee Benefits System (NEBS) login at <http://benefitstatement.nasa.gov/html/index.htm>. The NSSC will issue an annual reminder to employees to enter and update this information. Center Human Resources Officers are responsible for reviewing their Center employees' emergency contact information in the NASA Organizational Profile System (NOPS) to ensure it is complete. In cases where information is missing or incomplete, the HRO will work with the employee's supervisor to encourage the employee to complete this information.

3.3 NASA Emergency Workplace Guidelines

3.3.1 Telework

The telework program and responsibilities for supervisors, managers, and employees are detailed in the NASA Telework Program During National and/or Regional Emergency Situations, attached in Appendix B. The Agency Emergency Telework Program may be augmented or supplemented by a Center Emergency Telework Program that ensures maximum alternate workplace flexibilities are utilized during a pandemic health crisis or other emergency situations.

3.3.2 Alternate Work Schedules (AWSs)

Managers and supervisors may implement AWSs instead of traditional fixed work schedules. AWS can be a useful tool to enable employees to have work schedules that help balance work and family

or personal responsibilities. Information about AWSs can be obtained from the Desk Guide on Work Schedules (Tour Types) at: <http://nasapeople.nasa.gov/references/deskguides.htm>. Centers may establish whatever AWSs are needed, consistent with federal law and regulation, to facilitate continued operations during a pandemic health crisis or other emergency situations.

3.3.3 Evacuation Pay

Evacuation payments may be made to employees who are ordered to be evacuated from the regular worksite during a pandemic health crisis and directed to work from home (or an alternative location mutually agreeable to NASA and the employee). The NASA Evacuation Pay Plan During a Pandemic Health Crisis is at Appendix C. This evacuation pay plan applies only during pandemic health crises. In the event of a catastrophic type of emergency (e.g., a weather-related event such as Hurricane Katrina, terrorist attack, etc.), specific guidance will be provided regarding the pay status of employees and the applicability of evacuation pay to that emergency.

3.4 Employees Who Become Ill at the Workplace

If during a pandemic health crisis a supervisor/manager observes an employee exhibiting signs of illness, general concern may be expressed regarding the employee's health and a reminder may be made to the employee of leave options for seeking medical attention, such as requesting sick or annual leave. Although leave is generally voluntary, NASA may direct an employee to take leave; however, directing an employee to take leave may constitute enforced leave, which is an adverse action. Any action to direct an employee to take leave for medical reasons must be coordinated with the Center's Office of Human Resources and the Center's Occupational Health Office.

During a pandemic health crisis, employees should have in place a designated individual and a back-up individual to provide transportation from their NASA worksite to their residence or medical facility in the event that they become ill during the workday. This is particularly important if the health crisis involves a highly contagious disease that would preclude the employee from using his/her regular car pool or public transportation. Employees need to share their emergency work-to-home transportation plans with their supervisor in case they become incapacitated due to the illness during the workday.

In the event that a pandemic health crisis is expected, the NSSC will issue a notice to employees informing them of the need to establish a plan for work-to-home transportation should they become ill at work and the need to share this plan with their supervisor.

3.5 Returning to the Workplace Following Illness

In the event of an influenza pandemic health crisis, the NASA Office of the Chief Health and Medical Officer has advised that employees may return to the workplace after their fever subsides and their temperature has returned to normal for 3 days. In the event the pandemic health crisis involves an illness other than influenza, OHCM will coordinate with the Office of the Chief Health and Medical Officer on when it is safe for employees to return to the workplace and provide that information to Center Human Resources Officers and coordinate employee notices through the NSSC. Centers will decide when it is necessary to require administratively acceptable medical documentation covering the period of absence due to illness.

3.6 Official Travel Restrictions

The NASA Office of the Chief Health and Medical Officer, in coordination with the Center for Disease Control (CDC), Health and Human Services, and OHCM, will provide official travel restriction policy and guidance during emergency situations. OHCM will communicate the travel restrictions to all Center Human Resource Officers and coordinate their posting on the EOC Web site. This will include instructions to employees who are on official travel in a restricted area at the time an emergency is declared or intending to return to a restricted area following conclusion of their official travel. Notices informing employees of the travel restrictions will be prepared and issued by the NSSC. Travel bans will be in place after geographic regions are identified as being infectious or contagious by appropriate medical or occupational health authorities. Until the travel bans are removed, employee travel will not be authorized to the restricted areas. Additional information about the impact of a pandemic health crisis on the work status of employees can be found in the “Questions and Answers” at Appendix D.

3.7 Tracking and Reporting Personnel Absences

3.7.1 Pandemic Health Crises

WebTADS will be used to track and report employees in a work/non-work status during pandemic health crises. Therefore, it will be vital for managers/supervisors to ensure that employees, regardless of worksite, enter daily work status. Center HR Officers and Center payroll liaisons must collaborate to ensure that reporting requirements are accomplished, relative to work and non-work status. Telework hours must be displayed to ensure that time and attendance reports are properly recorded. WebTADS can report staffing levels by pay-period and real-time daily reports. The real-time daily reports, however, will only be accurate if employees and supervisors ensure that time and attendance is recorded completely and accurately on a daily basis. In the event that a real-time daily report on staffing levels is needed and the Center cannot assure that the daily WebTADS entries are complete and accurate, Center Human Resources Officers will devise a means to determine and report daily on the number of Center employees in a work and non-work status.

3.7.2 Other Emergencies

The call center process will be used during catastrophic-type emergency situations, other than pandemic health crises, as the primary means to track and report the status of employees. As described above, the Emergency Operations Center will activate the call center for employee tracking based on the type and scope of the emergency situation. Information and guidance on how to report the status of employees through the call center will be disseminated using a variety of media to maximize the opportunity of employees, family members, and friends to report or obtain information on the status of affected employees. Reports on the status of employees will be generated from call center data and provided to appropriate management officials and external agencies (e.g., Office of Personnel Management, Department of Homeland Security (DHS), members of Congress).

APPENDIX A – ACRONYMS AND ABBREVIATIONS

Acronyms that are used in this guide are identified upon first use in this document. Thereafter, the acronym is used. In cases where the first or only instance of the use of an acronym is in a table or graphic, it may not be spelled out on first reference. Since many acronyms and abbreviations have multiple meanings, the following list includes those used in this guide and the applicable meaning:

ACRONYM/ ABBREVIATION	MEANING
AWS	Alternate Work Schedule
CDC	Center for Disease Control
COOP	Continuity of Operations
DHS	Department of Homeland Security
EECS	Employee Emergency Contact System
EOC	Emergency Operations Center
HRO	Human Resources Office
NASA	National Aeronautics and Space Administration
NEBS	NASA Employee Benefits System
NOPS	NASA Organizational Profile System
NSSC	NASA Shared Services Center
OHCM	Office of Human Capital Management

APPENDIX B – NASA TELEWORK PROGRAM DURING NATIONAL AND/OR REGIONAL EMERGENCY SITUATIONS (INCLUDING PANDEMIC HEALTH CRISES)

Introduction

The changing threat environment and recent emergencies, including localized acts of nature, accidents, technological emergencies, and military or terrorist attack-related incidents, have shifted awareness to the need for a Continuity of Operations Plan (COOP), in order to continue the Agency's essential functions across a broad spectrum of emergencies. NASA and all Federal Agencies need to plan and prepare for national and/or regional emergency situations. We must be ready and flexible in our methods of accomplishing the Agency's mission. Our primary way to achieve this flexibility and ensure continuity of the Agency's operations in times of emergency is through the establishment of remote worksites. Having a telework program plan in place specifically for this purpose will greatly enhance our operations in the event we realize the threat posed by emergency circumstances, including an influenza pandemic or the H5N1 avian influenza virus currently in Asia.

References

NASA Telework Policy

- NPR 8700 [Chapter 7. Operation of NASA Telework Programs](#)

NASA Desk Guide on Telework

- http://nasapeople.nasa.gov/references/NDG19_TeleworkPrograms.pdf

Office of Personnel Management Telework Guidance

- <http://www.opm.gov/pandemic/agency/telework.asp>

Responsibility

Center Human Resources Officers are responsible for establishing and implementing the following telework procedures for their respective Centers for use during national and/or regional emergency situations, including pandemic health crises:

- Develop a Center emergency telework program for employees and supervisors
- Coordinate information technology (IT) support with the Center Chief Information Officer.
- Coordinate the identification and documenting of all positions and incumbents eligible for telework during an emergency.
 - Ensure eligibility is recorded in WebTADS.
- Coordinate the establishment of telework agreements for all eligible employees to be activated during an emergency and ensure that employees and supervisors understand their roles and responsibilities under the emergency telework arrangement.
- Coordinate the establishment of a plan to ensure continued WebTADS time and attendance reporting during the emergency situation.

- Inform and train supervisors and employees regarding telework duties and responsibilities to include but not limited to:
 - A description of work assignment transmittal mechanisms (e.g., e-mail to worksite, e-mail to home, personal delivery to off-worksite, etc.).
 - A description of work assignment review/approval transmittal mechanisms (e.g., e-mail to supervisor's home, e-mail to supervisor's worksite, etc.).
- Organize, coordinate, and conduct a Center-wide test of the emergency telework program.

Except when there is a Government or Agency-wide requirement, Center Directors may implement and terminate the emergency program at their discretion. If necessary, they may also invoke the program and terminate the program in phases to meet Center needs and requirements.

Participation

During emergency situations, the telework program will serve as a vital option for employees to continue working during times when many of the population-at-large and NASA employees may be quarantined or otherwise prevented from reporting to their official duty site. Although telework positions must include duties suitable to being performed away from the official duty station, supervisors must review positions for emergency telework situations with as much latitude as possible. During the emergency timeframe, all telework is episodic and/or medical in nature and does not guarantee regular telework privileges under normal circumstances.

Definition of Teleworking

During the emergency timeframe, all telework will be defined as:

Nonregular or Episodic. Recognizing that some projects and regular work duties and responsibilities may be well-suited to being performed at home or other alternate worksites rather than an office setting, teleworking arrangements may be made available for the duration of the emergency situation.

Medical (coded as Episodic in WebTADS). Suitable when an employee has a health condition, that may include a quarantined personal or family condition, and is unable to perform at the regular workplace but is physically and medically capable of successfully performing assigned work at an alternate worksite. Medical documentation, when available, must support the request and may be required for the employee to retain the telework status. The documentation should include the expected length of the medical condition.

Definition of Eligible Employees

During the emergency timeframe, eligible employee means any satisfactorily performing employee of the Agency whose job or assigned duties during the emergency may be performed away from the primary worksite. In making this determination, supervisors must take in consideration the probability that satisfactory performance can and will continue in a telework arrangement. If the supervisor determines that it is likely that an employee's performance will

not continue at a satisfactory level without closer supervision than allowed under a telework arrangement, then that employee would not be eligible for a telework arrangement. In rare circumstances, the Center Human Resources Officer may approve a telework arrangement for an employee whose performance is less than satisfactory provided there is a compelling operational reason to do so and there is an expectation that the work assigned during the emergency situation will be performed at an acceptable level.

Position Descriptions and Performance Standards

Position descriptions do not require modification for participation in the emergency telecommuting program.

Termination

Employees participating in the emergency telecommuting program may withdraw, due to medical circumstances, or be terminated by management either during the emergency or upon completion of the emergency telecommuting program.

Schedule Modifications

During the emergency telecommuting program, management may modify the employee's work schedule or location to accommodate workload demands or for other official purposes.

Records Management

Official records removed from the official duty stations for emergency telework assignments remain the property of NASA, and any records generated from telework assignments become the property of NASA. Removal of Government records from the official duty station requires prior coordination with the supervisor. If the immediate supervisor is not available, the employee must coordinate with the next level supervisor. The removal of Privacy Act and other sensitive information for emergency teleworking assignments requires advance supervisory approval. Off-site access to classified data is not permitted. **All official records, regardless of work location, must be protected in accordance with NASA policies and procedures.** Information that is sensitive or subject to the Privacy Act should be identified as such and employees should be counseled on proper use and safeguarding of these documents. Human Resources Officers will collaborate with Center Security Officers to ensure that procedures are in place to safeguard documents and information used or generated during employees' telework arrangements.

Telecommunications and Equipment

- Telephone.

If Centers authorize employees to make long distance or toll calls while teleworking, they will provide telephone credit cards or will reimburse an employee working on a teleworking assignment for business-related long distance and toll phone calls on their personal telephone. Employees will be required to certify that all usage of such services is for official Government

business. An employee's emergency telework agreement should clearly state whether the employee is authorized to make long distance calls during an emergency.

- Agency-owned equipment.

Agency-owned equipment may be used by employees, in accordance with Center policies and practices, in their private residences provided the equipment is available and is used only for authorized purposes. Strict adherence to supervisory requirements and property management regulations concerning the safeguarding and removal of all equipment is essential. At the conclusion of the emergency period, Agency-owned computer equipment must be returned by teleworking employees to the NASA worksite.

Workers Compensation

Teleworking employees are covered by the Federal Employees Compensation Act. On-the-job injuries must be brought to the immediate attention of the supervisor and are subject to investigation.

Reporting Requirements

Each Center must ensure that accurate and complete telework information is recorded in WebTADS for all employees working under a telework assignment. Agency reports will be drawn from the WebTADS information. If WebTADS is not available or if the information contained in WebTADS appears incorrect or incomplete, Center Human Resources Officers will be responsible for collecting, compiling and reporting telework information, as requested by the Office of Human Capital Management, consistent with Agency and Office of Personnel Management requirements.

APPENDIX C – EVACUATION PAYMENTS DURING A PANDEMIC HEALTH CRISIS

An evacuation payment is a means to pay an employee his or her regular salary when ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Evacuation payments are paid on the employee's regular pay days.

Authority

NASA may provide evacuation payments to employees whose departure is officially authorized or ordered from any place inside or outside the United States where there is imminent danger to the lives of the evacuated employees. Further, evacuation payments may be made to employees in the United States who are ordered to evacuate from their regular worksites and directed to perform work at home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The employee's home (or an alternative location mutually agreeable to the agency and the employee), including a home/location under quarantine or confinement, may be designated as a safe haven during the period of evacuation to promote the "social distancing" of employees and protect employees from being exposed to additional viruses or mutations of a pandemic virus.

An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. However, a supervisor may not assign work to an employee unless he or she knows the employee has the necessary knowledge and skills to perform the assigned work. The Center must comply with statutory requirements regarding reasonable accommodation for qualified employees with a disability.

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions).

An employee who is ordered to work from home during a pandemic health crisis may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule (e.g., change to a flexible work schedule) to allow the employee to work during the periods he or she is not responsible for caring for the child (e.g., when the child is sleeping or when a spouse or other family member is available to care for the child). An employee may request annual leave or other paid time off, such as earned compensatory time off or earned credit hours, to care for a healthy child.

Ordering an Evacuation

As provided for in NPR 3000.1B, Management of Human Resources, the following officials have authority to order employees to evacuate their regular worksites and perform work from

their homes (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis:

(1) NASA-wide:

- (a) Deputy Administrator,
- (b) Associate Administrator, Associate Deputy Administrator, and Chief of Staff,
- (c) Associate Administrator for Institutions and Management,
- (d) Assistant Administrator for Human Capital Management.

(2) Centerwide:

- (a) Center Directors or designee(s),
- (b) For Headquarters, the Assistant Administrator for Infrastructure and Administration.

(3) The Office of the IG:

- (a) The IG or designee(s).

(4) The NASA Shared Services Center:

- (a) The Executive Director or designee(s).

An authorizing official may order an evacuation upon an official announcement by Federal, State, or local officials, public health authorities, and/or tribal governments, of a pandemic health crisis affecting certain geographic areas. (State, local, and tribal public health authorities generally are primarily responsible for detecting and responding to local disease outbreaks and implementing measures to minimize the consequences of an outbreak. The Federal Government supports State, local, and tribal public health officials in preparedness and response activities). Consistent with 5 U.S.C. 5522 and 5523 and the Department of State Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

Evacuation Payments

Evacuation payments may be made to an employee who is ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Evacuation payments will be paid on the employee's regular pay days, since these payments reflect the employee's regular pay.

Evacuation payments will be based on an employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate, regardless of the employee's

work schedule during the evacuation period. For example, an employee is considered to be regularly entitled to night pay differential (5 U.S.C. 5545(a) and 5343(f)) and Sunday premium pay (5 U.S.C. 5544(a) and 5546(a)) for applicable hours in the employee's normal basic workweek. An employee is considered to be regularly entitled to law enforcement availability pay (5 U.S.C. 5545a), administratively uncontrollable overtime pay (5 U.S.C. 5545(c)(2)), standby duty premium pay (5 U.S.C. 5545(c)(1)), regular overtime pay for firefighters (5 U.S.C. 5545b), physicians' comparability allowances (5 U.S.C. 5948), supervisory differentials (5 U.S.C. 5755), and nonforeign area cost-of-living allowances and post differentials (5 U.S.C. 5941), as applicable. An employee will receive recruitment, relocation, and retention incentive payments (5 U.S.C. 5753 and 5754) and extended assignment incentive payments (5 U.S.C. 5757) consistent with the employee's signed service agreement. All deductions must be made from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

An employee's evacuation payments must cover the period of time during which an applicable order to evacuate remains in effect, unless terminated earlier. However, evacuation payments may not continue for more than 180 calendar days after the effective date of an order to evacuate. The days and hours the employee would have been expected to work during the selected time period (but for the evacuation) will be determined as follows: (1) for employees with a regularly scheduled tour of duty, it will be the days and hours in the employee's normal basic workweek during the selected time period; and (2) for intermittent employees, it will be an estimate of the days and hours the employee would have been expected to work during the selected time period (not to exceed 80 hours in a biweekly pay period). If possible, the agency will estimate an intermittent employee's projected days and hours of work based on a 6-week average.

Additional Allowance Payments

An authorizing official in his or her sole and exclusive discretion, may grant additional special allowance payments, based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The discretionary authority does not change reasonable accommodation obligations under the Rehabilitation Act. Examples of discretionary special allowance payments might include increased costs for a computer, printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from home (or an alternative location mutually agreeable to the agency and the employee) during the evacuation period. In approving additional allowance payments, authorizing officials should consider the degree to which the additional costs arise out of specifically directed job requirements when other options are not available. That is, the additional costs must be incurred in order to accomplish the work as directed and do not arise out of an employee's preference to perform the work in a more costly manner. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by an authorized official. However, an employee may not be required to absorb increased expenses (e.g., long-distance calls, supplies, or delivery services) incidental to performing work from home (or an alternative location) if the increased expenditures primarily benefit the Federal Government, since an agency may not augment its appropriations (i.e., require an employee to

absorb additional expenses incidental to performing work from home, without specific statutory authority to do so).

In most situations, employees who are ordered to evacuate their official duty stations to a different geographical area outside of their normal commuting area during a pandemic health crisis will receive additional allowance payments to offset the direct added expenses incident to travel outside the limits of their official duty station (e.g., travel and subsistence expenses).

In most situations, an advance salary payment will not be made to an employee who is ordered to evacuate his or her official duty station during a pandemic health crisis, since the employee will receive evacuation payments on his or her regular pay day. However, an authorizing official may make exceptions in unusual circumstances. (An advance salary payment may be made when an agency official has determined that payment in advance of the date on which the employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to an employee's departure). An advance salary payment is equivalent to a loan and must be treated as a debt owed to the Federal Government.

Except in the case of travel expenses, Centers will determine the method and process to pay employees for any additional allowance payments that are authorized.

Termination of Payments

The authorizing official must terminate an employee's evacuation payments on the date of the earliest of the following events, as applicable:

- The employee is assigned to another duty station outside the evacuation area.
- The employee is separated from his or her position with NASA.
- The elapsing of 180 days since the effective date of the order to evacuate.
- The employee resumes his or her duties at the regular worksite from which he or she was evacuated after the applicable order to evacuate is rescinded.
- The authorizing official determines that payments are no longer warranted (e.g., based on guidance provided by State, local, or tribal public health officials or Federal officials (e.g., the Centers for Disease Control and Prevention or Department of State) regarding the status of the pandemic health crisis).

Review and Reconciliation of Employee Payroll Accounts

After an order to evacuate is terminated, NASA's payroll provider will make adjustments in an employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled during the period of evacuation under applicable statutes. NASA representatives will review each employee's account for the purpose of making adjustments in the employee's pay. This review will be conducted at the earliest possible date after evacuation payments are terminated. NASA will determine whether, during the period covered by evacuation payments, an employee was entitled to higher total pay under the normally applicable pay provisions than the total amount of evacuation payments received by an employee. The alternative pay computation must take into account changes in an employee's rate

of basic pay that occurred during the evacuation payment period (e.g., a within-grade increase) and additional hours worked beyond the number of hours assumed in computing the evacuation payments. For the purpose of this alternative pay computation, the employee is deemed to have worked at least the number of hours assumed in computing his or her evacuation payments. If the total pay under the alternative pay computation exceeds the total amount of evacuation payments, the agency must pay the employee the additional amount. After an employee's account is reviewed, if NASA finds that the employee is indebted to the government, the agency must recover the debt from the employee, unless a waiver is granted. (See 5 CFR 550.408)

References

- 5 U.S.C. 5522 - 5524
- 5 CFR part 550, subpart D
- [Office of Personnel Management's Fact Sheet, "Evacuation Payments During a Pandemic Health Crisis" http://www.opm.gov/oca/pay/html/PandEvac.asp](http://www.opm.gov/oca/pay/html/PandEvac.asp)

APPENDIX D – PANDEMIC FLU QUESTIONS AND ANSWERS

General Information

1. If NASA orders its employees not to report to their offices during a pandemic influenza, will employees continue to be paid? Will employees be required to use their annual leave?

NASA may offer alternative work arrangements to ensure work continues to be accomplished during a pandemic health crisis and employees continue to be paid. For example, employees who are under an approved telework agreement to telework from home may be ordered to evacuate the worksite and they may be directed to work from home during the emergency situation.

NASA may authorize evacuation payments for employees who have been ordered to evacuate their worksites. Evacuation payments reflect the regular pay an employee would have received for the time period he or she would have been expected to work (but for the evacuation). NASA may require an employee to perform any work considered necessary or required to be performed during the period of the evacuation without regard to the employee's grade or title. If an employee refuses to work from home, he or she may be required to use accrued annual leave, may be furloughed, or other action taken, as appropriate. In addition, NASA may direct employees who are under an approved telework agreement to telework from home.

2. Will NASA release employees from work to lessen the probability of significant numbers of employees catching the flu?

During a pandemic health crisis, NASA will strive to protect the health of employees while ensuring that our work is accomplished. We may use a number of alternative work arrangements to promote the "social distancing" of employees. We may also require employees to work from home during a pandemic crisis. Decisions of this nature will be made following Government-wide guidance issued in the event of a pandemic health crisis.

3. (Hypothetical) My office is open, but the schools are closed and I cannot find child care. May I receive evacuation payments so I may work at home while caring for my children?

When there is imminent danger to the lives of an employee's dependents or immediate family, NASA may authorize evacuation payments and require employees to work from home during a pandemic health crisis. An employee who is ordered to work from home during a pandemic health crisis may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule (e.g., change to a flexible schedule) to allow the employee to work during the periods he or she is not responsible for caring for the child (e.g., when the child is sleeping or when a spouse or other family member is available to care for the child). An employee may request annual leave or other paid time off, such as earned compensatory time off or earned credit hours to care for a healthy child. Supervisors and managers should use all available and reasonable scheduling flexibilities to assist employees in meeting family needs during the crisis period.

Leave Flexibilities

4. What are my leave options if I have been diagnosed with the flu?

An employee who has been diagnosed with the flu may use accrued sick leave or annual leave, request advanced sick leave or annual leave, request donated leave under the voluntary leave transfer program or an established emergency leave transfer program, or use any earned compensatory time off, earned compensatory time off for travel, or earned credit hours. In addition, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks of leave without pay for a serious health condition. An employee may substitute his or her accrued annual and sick leave, as appropriate, for unpaid leave under the FMLA.

5. May I take sick leave if I have been exposed to the flu?

An employee may use accrued sick leave when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease. An employee may also take accrued annual leave or other paid time off if he or she was exposed to a communicable disease.

6. Do I have to use all of my annual and sick leave before requesting donated leave from my coworkers?

No, an employee may request donated leave before he or she exhausts available annual and sick leave. However, before an employee may become an approved leave recipient under the voluntary leave transfer program, it must be determined that the employee's absence from duty without available paid leave because of a medical emergency is (or is expected to be) at least 24 hours. (For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated.) An employee may receive donated annual leave under the voluntary leave transfer program when he or she becomes an approved leave recipient.

Under an emergency leave transfer program, an employee is not required to exhaust his or her available paid leave before receiving donated annual leave.

7. If I'm afraid of catching the flu and don't want to come to work, what are my leave options?

An employee who is healthy may request annual leave for the period of absence from his or her job. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. In addition, an employee may request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours.

8. (Hypothetical) My family was planning to leave for a vacation when my annual leave was canceled because of a pandemic influenza. Can my agency cancel my leave? Will NASA reimburse me for my plane tickets?

NASA may cancel an employee's scheduled annual leave. An employee may use annual leave for personal needs, such as vacations, but his or her supervisor has the right to schedule the time at which annual leave may be taken. An agency has no obligation or authority to reimburse an employee for costs incurred by an employee resulting from the cancellation of his or her leave.

9. (Hypothetical) The Center eating establishments are closed due to the avian flu. The nearest food facility is more than half an hour away. Will I be charged leave because it takes me at least an hour and a half to get to the nearest restaurant, eat, and return to work?

An employee must fulfill his or her daily basic work requirement (e.g., 8 or 9 hours). For many reasons, an employee in this situation may want to bring a lunch to work. If the employee exceeds the normal lunch period, the employee may request annual leave, other paid time off, or leave without pay to account for the additional time away from work.

10. (Hypothetical) I have "use or lose" annual leave, which I scheduled to use before the end of the leave year. NASA has canceled all scheduled annual leave until further notice because employees must be at work due to a pandemic influenza. It looks like this situation will continue through the beginning of the new leave year. Will I be forced to forfeit my "use or lose" annual leave?

If an employee schedules "use or lose" annual leave in writing before the third biweekly pay period prior to the end of the leave year, and the leave is canceled due to an exigency of the public business (i.e., an urgent need for the employee to be at work), the employee may request restoration of the forfeited annual leave.

11. (Hypothetical) A family member has the flu, or complications from the flu, and I must care for him or her. What are my leave options?

An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide general medical care to a family member and up to 12 weeks (480 hours) of sick leave to care for a family member who develops a serious health condition. If the employee has already used 13 days of sick leave for general family care and bereavement purposes, that amount must be subtracted from the 12 weeks (480 hours) of sick leave an employee may use to provide care for a family member with a serious health condition. In addition to sick leave, an employee may use annual leave, accrued compensatory time off, compensatory time off for travel, or credit hours. The employee also may request to receive donated annual leave through the leave transfer program. Finally, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks (480 hours) of leave without pay to provide care for a spouse, son or daughter, or parent with a serious health condition.

12. If I exhaust all of my annual and sick leave, what are my options?

There are a number of alternatives for an employee who has exhausted his or her accrued annual and sick leave. An employee may request leave without pay (LWOP), advance annual, and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the

employee will accrue during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or ailment. In addition, an employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from the voluntary leave transfer program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

13. (Hypothetical) A family member died due to complications from the flu. I have to make arrangements for and attend his/her funeral. What leave can I take?

An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to make arrangements necessitated by the death of a family member or attend the funeral of a family member. In addition, an employee may request to use accrued annual leave or other paid time off, such as earned compensatory time off, earned compensatory time off for travel, and earned credit hours.

14. May I receive donated annual leave from my coworkers to care for a sick family member?

An employee with a personal or family medical emergency who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from the voluntary leave transfer program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

Keeping Employees Away from the Workplace

15. If an employee exhibits signs of the flu, may a supervisor order him/her to leave work or work from home? If so, will the employee be paid during the absence?

As with any illness, any medical diagnosis by a supervisor is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, he or she may express general concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention, such as requesting sick or annual leave. Employees on approved sick or annual leave will continue to be paid during their absence. Although leave is generally voluntary, NASA may direct an employee to take leave. However, directing an employee to take leave may constitute enforced leave, which is an adverse action and must always be coordinated in advance with the Center's Human Resources Office. In individual cases, when employees refuse to vacate the workplace, supervisors should contact the HR offices to ensure that prudent practices are in place to make appropriate decisions.

16. If a supervisor orders an employee to leave work, will the employee be placed on administrative leave, or be required to use his/her annual or sick leave?

Excused absence (administrative leave) is not an entitlement, and supervisors are not required to grant it. NASA's determination to provide excused absence will be made in consideration of any government-wide policy on granting excused absence during a pandemic influenza.

Obtaining an employee's agreement to take sick leave, annual leave, or leave without pay is preferable, but in some circumstances, a supervisor may require an employee to use his or her sick or annual leave or place an employee in a leave without pay status pending inquiry into the employee's medical condition. In rare circumstances, a supervisor may place the employee on indefinite suspension in a non-pay, non-duty status. These actions generally require advance notice, opportunity to reply, and an agency decision. The supervisor must have documentation sufficient to prove that its action was justified, and the employee may have the right to grieve or appeal the action taken. In all cases, such action must be worked through the Center's Human Resources Office.

In the case of a pandemic, agency personnel actions aimed at preventing the spread of a disease may occur because of the guidance or direction of public health officials regarding the general danger to public health.

17. If a supervisor suspects an employee is ill or contagious, may the supervisor prohibit the employee from reporting for work or returning to work?

Unless NASA has evidence (suspicion is not enough) that an employee is physically unable to perform the job or poses a risk to himself/herself or others, it may not prohibit the employee from reporting to work. Such action would constitute a constructive suspension and would be an adverse action requiring advance notice, opportunity to reply, agency decision, and possibly appeal or grievance rights. Supervisors must consult their Center Human Resources Office before refusing to allow an employee to report for work or to return to work so that proper procedures will be followed and constructive suspension issues can be considered.

18. May a supervisor require an employee to have a medical exam or physical, or prevent an employee from returning to work until the results of an exam or physical show the employee is not contagious?

Management may require a medical examination when the position occupied by the employee contains properly developed physical or medical requirements (see 5 CFR 339.301). Most positions do not have established physical or medical requirements. If the criteria are met for requiring a medical examination and the employee refuses the exam, he or she may be disciplined, up to and including removal from Federal service.

Requiring a medical examination based on perception of an employee's flu-like symptoms is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, the supervisor may express concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention, such as requesting sick or annual leave. If the employee has no leave available, supervisors may approve requests for advanced leave or leave without pay, based on NASA and Center policy. Supervisors must approve requests for sick leave when the employee would, as determined by appropriate health authorities or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

Requiring Employees to Work

19. If NASA activates emergency preparedness plans and sends designated employees to alternative worksites, may a designated employee refuse to go? If an employee is on travel during the order to deploy, may he or she go home instead of deploying to the designated worksite? If an employee refuses to deploy to the designated worksite from a travel status, who pays for the employee's transportation home?

Any such designated employees are expected to report for work where deployed or remain at work in dismissal or closure situations, unless otherwise directed by NASA. NASA may determine that circumstances justify excusing a designated employee from duty and allowing the employee to use accrued leave because of an individual hardship or circumstances unique to the employee. For example, factors such as the illness of a family member or lack of available alternatives to childcare or eldercare may be considered. An employee may not go home instead of deploying to the designated worksite, and employees who refuse to follow emergency related orders may be subject to appropriate discipline, up to and including removal from Federal service. Unauthorized travel expenses are not reimbursable.

20. Will an employee who has direct contact with the public be required to report for work and perform the normal duties of his or her position? If an employee refuses, will the employee be fired?

Employees are expected to report for work and perform the normal duties of their positions. If an employee fails to report for duty without an administratively acceptable reason for his or her absence, the employee could be considered absent without leave and may be subject to disciplinary action, up to and including removal from Federal service. NASA makes the determination as to whether the employee has an administratively acceptable reason for his or her absence.

When an employee reports for work, he or she is expected to first carry out lawful supervisory orders to work, and may later choose to appeal or grieve an order after complying with it. An employee who refuses to comply with a supervisor's order may be disciplined, up to and including removal from Federal service. However, an employee may refuse to carry out a particular work assignment if, at the time the assignment is given, the employee reasonably believes carrying it out will endanger his or her safety or health.

21. May an employee leave work or refuse to report for work because he or she is afraid of contracting the flu from co-workers?

If an employee is concerned about contracting the flu from a co-worker, the employee should first raise the concern with his or her supervisor to discuss appropriate action, such as moving to a different work area, taking annual leave, or teleworking. Employees who leave their duty stations without approval may be considered absent without leave (AWOL). AWOL may result in disciplinary action, up to and including removal from Federal service.

22. Could an agency take disciplinary action against an employee who is AWOL despite the employee's good faith efforts to report for work?

An agency may discipline an employee who is AWOL. The decision to take such action is at the discretion of NASA, after consideration of the facts and circumstances regarding the unauthorized absence. Employees having difficulty reporting to work should discuss the circumstances of their absence with their supervisor in a timely manner.

23. May an employee refuse to use required safety equipment (e.g., protective equipment or decontamination stations) provided by NASA?

When NASA requires employees to follow certain safety procedures, such as using protective equipment or going through a decontamination station, it is to protect the safety and health of its employees. As with any other agency policy, employees are expected to comply with NASA safety and health policies. Employees who refuse to comply may be subject to appropriate disciplinary action, up to and including removal from Federal service.

24. May an employee refuse to report for work if he or she believes it is unsafe, even though the threat of contracting the flu has subsided?

NASA is working to protect the health and safety of employees in the workplace by following recommendations from the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the Office of Personnel Management. Therefore, it is unlikely an employee will be directed to report for work when it is unsafe to do so.

If an employee refuses to report for work based on his or her personal belief that it is unsafe to do so, and the employee is not in an approved leave status, the employee may be considered absent without leave (AWOL). An agency may take disciplinary action for AWOL, up to and including removal from Federal service.

Leave Issues

25. May an employee who is not sick call in sick because he or she is afraid of contracting the flu?

No. Generally, an employee may use sick leave when he or she is unable to work due to a physical or mental illness or is receiving medical examination or treatment.

An employee who is not eligible for sick leave may request annual leave. An employee has the right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. If an employee's request for leave is denied and the employee still refuses to report for work, the employee may be considered AWOL and may be subject to disciplinary action, up to and including removal from Federal service.

26. May an employee call in sick after a supervisor has canceled annual leave and ordered the employee to report for work?

An employee is entitled to use sick leave under certain conditions. However under 5 CFR 630.403, NASA may grant sick leave only when supported by administratively acceptable evidence. If the supervisor does not grant the request for sick leave or any other leave, the employee may be considered AWOL. NASA may take disciplinary action for AWOL, up to and including removal from Federal service.

Labor Relations

27. Is there any flexibility on labor-management agreements during an emergency?

Yes, there is some flexibility. In an emergency, management has the right to alter working conditions without bargaining prior to implementing the change. However, post-implementation bargaining may be required. In this regard, if management follows applicable procedures contained in existing collective bargaining agreements, bargaining would not be required over the procedure. In situations where an agency wishes to use different procedures, or where there are no existing contractual procedures or past practices covering the action, an agency may have post-implementation bargaining obligations. With regard to any of these situations, supervisors and managers must seek guidance and advice from their Center Human Resources Office and Office of Chief Counsel.

Overtime

28. What are the rules about the number of overtime hours a supervisor may require employees to work?

While no statutory or regulatory limits apply to the amount of overtime hours a manager may require an employee to perform there is a statutory limit on the amount of overtime and other premium pay (e.g., holiday pay, Sunday pay, night pay, etc.) that an employee may be paid during the calendar year. An employee may be excused from overtime work for reasons such as illness or the illness of a family member. If an employee refuses to perform overtime work, the agency may discipline the employee for failure to report for scheduled overtime duty.

29. (Hypothetical) I am working from home because of a pandemic influenza. I chose to work 4 hours in addition to my regular 8-hours-per-day work schedule. May I receive overtime pay for the additional 4 hours I worked?

No, not unless you were directed to work the additional 4 hours. Overtime pay generally is required under the Fair Labor Standards Act (FLSA) and 5 CFR 551.501 when Federal FLSA-covered (nonexempt) employees are required to be on duty beyond 8 hours a day or 40 hours a week, assuming the supervisor knows of the work or has reason to believe the work is being performed. An FLSA-covered employee who is permitted to telework at home and chooses to work additional hours without the knowledge of his or her supervisor may not earn overtime pay as a result of “suffered or permitted” work. (Under the “suffered or permitted” concept, any work in excess of 40 hours a week performed prior to or after established shift hours or during a prescribed lunch period by an employee for the benefit of the agency, whether requested or not,

is working time if the manager or supervisor knows of the work or has reason to believe it is being performed.) For employees exempt from the FLSA, overtime pay generally is required by 5 U.S.C. 5542 when hours of work in excess of 8 hours a day or 40 hours during an administrative workweek are officially ordered or approved and performed by the employee. For other situations, please check with your Center Human Resources Office.

30. May management direct an employee to work on a Saturday or Sunday if the employee's normal work schedule is Monday through Friday?

Yes. Changes in an employee's work schedule are within the discretion of the employing agency, as long as the changes are consistent with law, regulations, and any applicable negotiated agreement. In addition, agencies may require employees to perform overtime work. There is no limit in law or regulations on the amount of overtime work required each day or on weekends.

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